

IN THE UNITED STATES COURT
FOR THE DISTRICT OF PUERTO RICO

WIDALLYS RIVERA-QUINONES,
ET AL.,

Plaintiffs,

v.

BMJ FOODS , INC., ET AL.

Defendants.

Civ. No. :15-2732(GAG/SCC)

OMNIBUS ORDER

Plaintiff Widallys Rivera Quiñones filed this action on behalf of her minor child, who is disabled and wheelchair bound. She claims to have visited a Ponderosa Steakhouse located at Santa Rosa Mall in Bayamón, Puerto Rico that was ill-equipped to accommodate individuals who use wheelchairs. She also claims that the Santa Rosa Food Court lacks adequate seating area for disabled persons. Docket No. 2 at ¶¶ 13 and 16(l). As a result, plaintiffs requested relief under the American with Disabilities Act (“ADA”), 42 U.S.C. §12101 et seq.

Co-defendants BMJ Foods P.R., Inc., (“BMJ”), and Commercial Centers Management Realty S. En C., (“CCM”), each filed a motion for a more definite statement pursuant to Fed. R. Civ. P. 12(e). Dockets No. 20 and 23. Both were referred to the undersigned by the presiding Judge. Dockets No 21 and 25.

After careful analysis, I conclude that the Complaint, as drafted, states sufficient facts to allow defendants to prepare an adequate responsive pleading. Motions for more definite statement are meant to “strike at unintelligibility, rather than at lack of detail in the complaint,” *Haghkerdar v. Husson College*, 226 F.R.D. 12, 13 (D. Me., 2005), since pretrial discovery procedures are available. *Cox v. Maine Mar. Acad.*, 122 F.D.R. 115, 116 (D. Me., 1988). Though “defendants may prefer highly detailed factual allegations, a generalized statement of facts is adequate so long as it gives the defendant sufficient notice to file a responsive pleading.” *Langadinos v. American Airlines, Inc.*, 199 F.3d 68, 72-73 (1st Cir. 2000).

Here, the Complaint adequately places the defendants on notice of plaintiffs’ claims and allows the defendants to formulate a responsive pleading. The motions are DENIED.

IT IS ORDERED.

The parties have fourteen days to file any objections to this report and recommendation. Failure to file the same within the specified time waives the right to appeal this report and recommendation. *Henley Drilling Co. v. McGee*, 36 F.3d 143, 150-51 (1st Cir. 1994); *United States v. Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986).

In San Juan, Puerto Rico, this 19th of February, 2016.

S/ SILVIA CARREÑO-COLL

UNITED STATES MAGISTRATE JUDGE